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10/643,885	08/20/2003	Joseph R. Robinson	52493.000344	4645
21967 7590 10/06/2011 HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 2200 Pennsylvania Avenue, N.W. WASHINGTON, DC 20037				
EXAMINER				
REYES, REGINALD R				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/643,885

Applicant(s)

ROBINSON ET AL.

Examiner

REGINALD R. REYES

Art Unit

3626

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-25 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-25 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-501a)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

Detailed Action

Status of Claims

1. Claims 1-25 have been examined and are addressed below.

Response to Arguments/Amendments

2. Applicant argues that the prior art does not utilize a data input portion disposed in the home of the claimant such that the data input portion is disposed in the home of the claimant continuously over a period of time inclusive of a plurality of visits of the caregiver. Examiner respectfully disagrees. Ridgeway teaches on column 3 lines 51-65 that subscriber remote station/home which accepts/input data "normal" and "in-alarm" electrical signal inputs from health parameter measurement devices, and responsively transmits corresponding messages to a typical security system central station, programmed to alarm monitor for "in-alarm" measurements, and to assure that all in-home health parameter monitoring activities are performed within prescribed time windows. The central station's computer also automatically creates and stores a data record for each health parameter measurement. Printouts of such data records can provide physicians with an accurate chronology of in-home health parameter measurement activities, with no possibility of patient manipulation of stored data. Furthermore Suzuki on column 20 lines 12-18, teaches the contents of treatments, etc. can particularly be displayed as a list for each month or each week as to whether the treatments are taken for each item. For example, a calendar is displayed as shown in FIG. 21 and is automatically colored with a marker on a treated day, or a number

showing a date is displayed in inversion. There is a case in which there are plural visits on one day.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 18 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (U.S. 5,986,568) in view of Ridgeway (U.S. 5,967,975).
4. With respect to claim 1 Suzuki teaches a method for documenting home care services for providing reimbursement in the situation where a claimant has a relationship with a servicing entity, the claimant being cared for by a caregiver in a home of the claimant, the method comprising:

a data input portion, while disposed in the claimant's house, to the servicing entity in accord with the relationship of the claimant with a servicing entity, and during such period of time the data input portion is used to document only care of the single claimant, the data input portion being in the for of a tangibly processing portion (see for example Suzuki column 9 lines 63-67 and column 10 lines 1-18 and Fig 1);

the data input portion interfacing with the caregiver prior to the caregiver providing a service to the claimant so as to input a first data set into the data input

portion (see for example Suzuki column 9 lines 63-67 and column 10 lines 1-18 and Fig 1);

the data input portion documenting a period of time during which the caregiver providing the service to the claimant; the data input portion interfacing with the caregiver upon completion of the service, in such manner to identify completion of the service, the first data set constituting collected data (see for example Suzuki column 9 lines 63-67 and column 10 lines 1-18 and Fig 1); and

transmitting, by the data input portion, the collected data to the servicing entity (see for example Suzuki column 9 lines 63-67 and column 10 lines 1-18 and Fig 1).

Suzuki does not teach disposing a data input portion in the home of the claimant such that the data input portion is disposed in the home of the claimant continuously over a period of time inclusive of a plurality of visits of the caregiver, and such that over such period of time the data input portion is retained by the claimant in the home of the claimant and not retained by the caregiver, and during such period of time data is collected by the data input portion by interfacing with the caregiver, and such data is transferred from the data input portion.

Ridgeway teaches a subscriber remote station with health parameter monitoring devices that are self-monitored at home (see for example Ridgeway column 6 lines 1-12 and Fig. 1). Ridgeway further teaches the preferred design embodiment described herein incorporates well known security system apparatus into the design of a "subscriber remote station" which accepts "normal" and "in-alarm" electrical signal inputs from health parameter measurement devices, and responsively transmits

corresponding messages to a typical security system central station, programmed to alarm monitor for "in-alarm" measurements, and to assure that all in-home health parameter monitoring activities are performed within prescribed time windows. The central station's computer also automatically creates and stores a data record for each health parameter measurement. Printouts of such data records can provide physicians with an accurate chronology of in-home health parameter measurement activities, with no possibility of patient manipulation of stored data (Ridgeway column 3 lines 51-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Suzuki and Ridgeway. The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

5. With respect to claim 2, Suzuki in view of Ridgeway teaches the method of claim 1 (as described above). Suzuki further teaches wherein, upon completion of the service, the caregiver again interfacing with the data input portion to identify completion of the service and so as to input a second data set into the data input portion, the first data set and the second data set constituting the collected data (see for example Suzuki column 7 lines 50-54).

6. With respect to claim 3, Suzuki in view of Ridgeway teaches the method of claim 2 (as described above). Suzuki further teaches, wherein the second data set includes at least one of a caregiver code and service information (see for example Suzuki column 7 lines 55-59, column 9 lines 63 -65 and column 12 lines 52-58).
7. With respect to claim 4, Suzuki in view of Ridgeway teaches the method of claim 1 (as described above). Suzuki further teaches wherein the first data set consists of a caregiver code (see for example Suzuki column 7 lines 55-62).
8. With respect to claim 5 Suzuki in view of Ridgeway teaches the method of claim 1 (as described above). Suzuki teaches, wherein the first data set comprises at least one of a caregiver code, type of service information and hourly rate information (see for example Suzuki column 7 lines 55-62).
9. With respect to claim 6, Suzuki in view of Ridgeway teaches the method of claim 1 (as described above). Suzuki further teaches, wherein the transmitting the collected data to the servicing entity is performed using a data processing entity, and wherein: the data processing entity inputting the collected data from the data input portion; the data processing entity processing the collected data to generate processed collected data; and the data processing entity outputting the processed collected data to the servicing entity see for example Suzuki column 9 lines 63-67 and column 10 lines 1-27).

10. With respect to claim 7, Suzuki in view of Ridgeway teaches the method of claim 1 (as described above). Suzuki further teaches wherein the transmitting the collected data to the servicing entity is performed in real time (see for example Suzuki column 9 lines 22-39).

11. With regards to claim 8, Suzuki in view of Ridgeway teaches the method of claim 1 (as described above). Suzuki teaches data generated attributable to the care of a certain visiting nurse for a certain patient is collected from each PDA to a server device disposed in a visiting nursing station or the like by data communication or the like at appropriate timing so that date items are concentrically manages as a data base (see for example Suzuki column 7 lines 50-54). However, the examiner takes Official Notice that it is well know in the art at the time of invention to transmit the collected data to the servicing entity is performed on a daily basis or hourly or as often as needed to update the database.

12. With respect to claim 9, Suzuki in view of Ridgeway teaches the method of claim 8 (as described above). Suzuki further teaches wherein the transmitting the collected data to the servicing entity is performed using a dial up connection (see for example Suzuki column 9 lines 22-33).

13. With respect to claim 13, Suzuki in view of Ridgeway teaches the method of claim 1 (as described above). Suzuki teaches wherein the data input portion is disposed

in the claimant's home for an extended period of time, so that the same data input portion is used by a plurality of caregivers (see for example Suzuki column 7 lines 20-23).

14. With respect to claims 14 and 15, Suzuki in view of Ridgeway teaches the method of claim 13 as described above. Suzuki teaches data generated attributable to the care of a certain visiting nurse for a certain patient is collected from each PDA to a server device disposed in a visiting nursing station or the like by data communication or the like at appropriate timing so that data items are concentrically managed as a data base (see for example Suzuki column 7 lines 50-54). However, the examiner takes Official Notice that it is well known in the art at the time of invention to include mounting the data input portion on a wall or as a table top device in the claimant's home.

15. With respect to claim 16, Suzuki in view of Ridgeway teaches the method of claim 1 (as described above). However, the examiner takes Official Notice that it is well known in the art at the time of invention to perform the method in sequential order.

16. With respect to claim 18, Suzuki in view of Ridgeway teaches the method of claim 1 (as described above). Suzuki teaches home-based care operation is performed by rotating plural persons in charge; a person in charge takes a treatment at a visiting time while the person in charge refers to previous information on the patient accumulated by another person in charge (see for example Suzuki column 4 lines 47-

50). However, the examiner takes Official Notice that it is well known in the art at the time of invention to have the caregiver as a neighbor of the claimant, living proximate to the claimant.

17. With respect to claim 19, Suzuki in view of Ridgeway teaches the method of claim 1 (as described above). Suzuki teaches of the server device disposed in the visiting nursing station, but is not limited to this arrangement. The server device may be disposed in for example a home-base help supporting center, a hospital, a local self-governing body or the like. However, the examiner takes Official Notice that it is well known in the art at the time of invention to have servicing entity as the insurance company.

18. Claims 10 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (U.S. 5,986,568) in view of Ridgeway (U.S. 5,967,975) and von Kaenel et al (U.S. 7,107,285).

19. With respect to claim 10 and 24, Suzuki in view of Ridgeway teaches the method of claim 1 (as described above). Suzuki in view of Ridgeway does not teach wherein the first data set includes caregiver code, and further including, after transmitting the collected data to the servicing entity, the servicing entity determining the service type and the hourly rate based on the caregiver code. Von Kaenel et al teaches wherein the first data set includes caregiver code, and further including, after transmitting the collected data to the servicing entity, the servicing entity determining the service type

and the hourly rate based on the caregiver code (see for example von Kaenel et al column 47 lines 7-18). It would have been obvious to one of ordinary skill in the art at the time of application to combine the two features to make the billing system efficient.

20. Claims 11, 20, 21, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (U.S. 5,986,568) in view of Ridgeway (U.S. 5,967,975) and Guyan et al (U.S. 7,124,112).

21. With respect to claim 11, Suzuki in view of Ridgeway teaches the method of claim 1 (as described above). Suzuki in view of Ridgeway does not teach further including the servicing entity determining a reimbursement amount based on the collected data, the reimbursement amount being the amount of monies to be forwarded from the servicing entity to the claimant so that the claimant may be reimbursed for payments to the caregiver. Guyan et al teaches further including the servicing entity determining a reimbursement amount based on the collected data, the reimbursement amount being the amount of monies to be forwarded from the servicing entity to the claimant so that the claimant may be reimbursed for payments to the caregiver (see for example Guyan et al column 1 lines 43-50). It would have been obvious to one of ordinary skill of the art at the time of application to combine both features as an alternate billing method.

22. With respect to claim 20, Suzuki teaches a system that documents home care services for providing reimbursement in the situation where a claimant has a

relationship with a servicing entity, the claimant being cared for by a caregiver, the system comprising:

a data input portion disposed in the home of the claimant, a caregiver entering the home of a claimant and interfacing with the data input portion prior to providing a service to the claimant so as to input a first data set into the data input portion, and upon completion of the service, the caregiver again interfacing with the data input portion to identify completion of the service and so as to input a second data set into the data input portion, the first data set and the second data set constituting collected data; (see for example Suzuki column 9 lines 63-67 and column 10 lines 1-18 and Fig 1).

Suzuki teaches the collected data including an identifier of the data input portion, a caregiver code, a date of service and hours to complete service (see for example Suzuki column 13 lines 11-13).

Suzuki does not teach a servicing entity the data input portion transmitting the collected data to the servicing entity, and the servicing entity effecting review of the collected data so as to provide reimbursement to the caregiver. Suzuki does not teach disposing a data input portion in the home of the claimant such that the data input portion is disposed in the home of the claimant continuously over a period of time inclusive of a plurality of visits of the caregiver, and such that over such period of time the data input portion is retained by the claimant in the home of the claimant and not retained by the caregiver, and during such period of time data is collected by the data input portion by interfacing with the caregiver, and such data is transferred from the data input portion.

Ridgeway teaches a subscriber remote station with health parameter monitoring devices that are self-monitored at home (see for example Ridgeway column 6 lines 1-12 and Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Suzuki, Ridgeway. The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Ridgeway does not teach disposing a data input portion in the home of the claimant such that the data input portion is disposed in the home of the claimant continuously over a period of time inclusive of a plurality of visits of the caregiver, and such that over such period of time the data input portion is retained by the claimant in the home of the claimant and not retained by the caregiver, and during such period of time data is collected by the data input portion by interfacing with the caregiver, and such data is transferred from the data input portion.

Guyan teaches a servicing entity the data input portion transmitting the collected data to the servicing entity, and the servicing entity effecting review of the collected data so as to provide reimbursement to the caregiver (see for example Guyan et al column 1 lines 43-50). Guyan teaches further, patient ID, patient's name, visiting recorder's name or ID (logging-in user ID), visiting date and visiting time are included in a header.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Suzuki, Ridgeway and Guyan. The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

23. With regards to claim 21, Suzuki in view of Ridgeway and Guyan et al teaches the system of claim 20 (as described above). Suzuki teaches further including: a data processing entity, the data processing entity inputting the collected data from the data input portion, the data processing entity processing the collected data to generate processed collected data; and the data processing entity outputting the processed collected data to the servicing entity (see for example Suzuki column 7 lines 50-54).

24. With respect to claim 22, Suzuki in view of Ridgeway and Guyan et al teaches the system of claim 21 (as described above). Suzuki teaches the visiting nurse transfers the visiting information previously inputted to the PDA 2 to the computer 5 from the PDA 2 by the predetermined data transfer means. However, the examiner takes Official Notice that it is well known in the art at the time of invention to process entity outputs the processed collected data to the servicing entity using XML, HTML or other computer programs.

25. With respect to claim 23, Suzuki in view of Ridgeway and Guyan et al teaches the method of claim 20 (as described above). Suzuki teaches wherein the first data set consists of a caregiver code (see for example Suzuki column 7 lines 55-59, column 9 lines 63 -65 and column 12 lines 52-58).

26. Claims 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (U.S. 5,986,568) in view of Ridgeway (U.S. 5,967,975) and Guyan et al (U.S. 7,124,112) and Von Kaenel (U.S. 7,107,285).

27. With respect to claim 12, Suzuki teaches the method of claim 11 (as described above). Suzuki in view of Ridgeway and Guyan does not teach further including the servicing entity preparing and sending an invoice to at least one of the caregiver and the claimant, the invoice documenting information obtained by the servicing entity from the data input portion and the collected data.

Von Kaenel et al teaches logic for e-commerce processing in accordance with certain implementations of the invention. Control begins at block 2710 with an individual user or a representative of a company creating an account with payment information in the enterprise spatial system. In particular, a user or representative of a company at a client system uses a UI screen provided by client software to log onto a website supported by the server system. The client system may be connected to the server system, via, for example, a network, such as the Internet. To create the account, information, such as first name, last name, and billing information, may be provided. The billing information may include, for example, a credit card type and number (e.g.,

for an individual) or a billing address to which invoices should be sent (e.g., for a company). Additional information provided would indicate the number of uses who would use the account. The number of users may impact the cost of using the services provided via the server system. For example, if a company wants to give 100 users access to the services provided via the server system, the cost may be less than if the company wanted to give 1000 user access to the services. Also, the account would specify whether charges should be based on individual accesses (e.g., a charge per access to the server system), based on an hourly rate for accesses, or based on a monthly, unlimited use charge. Also, a password may be set up for the account to be used by the server system to provide login verification. (see for example von Kaenel et al column 46 lines 29-43).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Suzuki, Ridgeway, Guyan and Von Kaenel. The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

28. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (U.S. 5,986,568) in view of Ridgeway (U.S. 5,967,975) and Langen et al (U.S. 5,357,427).

29. With respect to claim 17, Suzuki in view of Ridgeway teaches the method of claim 1 (as described above). Suzuki in view of Ridgeway teaches wherein the first data set includes a caregiver code of the caregiver, and the method further including, after the caregiver has input second information indicating completion of the service (as described above). Suzuki teaches the caregiver inputting a third data set (see for example Suzuki column 12 lines 66-67 and column 13 lines 1-10). Suzuki in view of Ridgeway does not teach the third data set being entered prior to the caregiver beginning additional service for the claimant, and the third data set being associated with at least one of a different rate and type of service from the first data set. Langen teaches the third data set being entered prior to the caregiver beginning additional service for the claimant, and the third data set being associated with at least one of a different rate and type of service from the first data set (see for example Langen column 2 lines 19-22). It would have been obvious to one of ordinary skill in the art at the time of application to combine both features to take better care of the patient.

30. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (U.S. 5,986,568) in view of Ridgeway (U.S. 5,967,975) and von Kaenel et al (U.S. 7,107,285) and in view of Guyan et al (U.S. 7,124,112).

31. With respect to claim 25, Suzuki in view of Ridgeway (U.S. 5,967,975) and von Kaenel teaches the method of claim 24 (as described above). Suzuki in view of Ridgeway and von Kaenel does not teach further including the servicing entity determining a reimbursement amount based on the collected data, the reimbursement

amount being the amount of monies to be forwarded from the servicing entity to the claimant so that the claimant may be reimbursed for payments to the caregiver. Guyan et al teaches further including the servicing entity determining a reimbursement amount based on the collected data, the reimbursement amount being the amount of monies to be forwarded from the servicing entity to the claimant so that the claimant may be reimbursed for payments to the caregiver (see for example Guyan et al column 1 lines 43-50). It would have been obvious to one of ordinary skill of the art at the time of application to combine both features as an alternate billing method.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REGINALD R. REYES whose telephone number is (571)270-5212. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Morgan can be reached on 571-272-6773. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert Morgan/
Supervisory Patent Examiner, Art
Unit 3626

/R. R. R./
Examiner, Art Unit 3626